

DETAILED ACTION

1. This application claims benefit of the foreign application:
FRANCE 02/02707 with a filing date 03/04/2002.
2. Amendment of claim 9 and cancellation of claim 7 in the amendment filed on September 18, 2008 is acknowledged. Claims 1-6 and 8-18 are pending in the application.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Roger H. Lee on November 26, 2008. The application has been amended as follows:

In claim 1, line 9, after "substitutent", delete "comprising", and insert
--having--

In claim 15, page 5, line 8, after "substitutent", delete "comprising", and insert
--having--

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In claim 16, after "composition", delete "suitable for use by injection for the treatment of osteoporosis or relapses of lytic tumors by inhibition of osteoclast activity,"

Reasons for Allowance

4. The rejection of claims 16-18 under 35 U.S.C. 112, first paragraph has been overcome in the above Examiner's amendment.

5. Applicant's arguments regarding the rejection of claims 1-6 and 8-18 under 35 U.S.C. 102(b) over (1) Bikhman et al. CAS: 94:1762; (2) Kostromina et al. CAS: 136:75305; (3) Cohen et al. CAS: 129:49620; or (4) Zaher et al. CAS: 136:163487 have been fully considered and they are persuasive. The instant invention having a $(\text{PO}_4)_{6-c}$ moiety of the formula of claim 1 is distinct from the above reference. Therefore the rejection of claims 1-6 and 8-18 under 35 U.S.C. 102(b) has been withdrawn herein.

6. Applicant's arguments regarding the rejection of claims 1-6 and 8-18 under the obviousness-type double patenting as being unpatentable over Khairoun et al. US 7,351,280 have been fully considered and they are persuasive. The instant invention having a $(\text{PO}_4)_{6-c}$ moiety of the formula of claim 1 is distinct from the Khairoun et al. Therefore the rejection of claims 1-6 and 8-18 under the obviousness-type double patenting has been withdrawn herein.

7. Claims 1-6 and 8-18 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. A suggestion for modification of a reference to obtain the instant compounds has not been found. Claims 1-6 and 8-18 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO /
Primary Examiner, Art Unit 1626

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